

1870-006 Chancery Causes: Thomas G. Brown & vs. John Brown & Lee Co.

Sutton, Short, Yeary, Chadwell, Rowlett, Brooks

1 Plat

CA Estate Dispute
T-Property

to the Marshall County Court of said County, in Chancery
sitting.

The Bill of Complaint of Thomas S. Brown
William M. Brown, Polly Brown, Matilda Sutton, formerly Matilda
Brown, Lucy Ann Short, formerly Lucy Ann Brown, Sarah Young
& Elizabeth his wife, formerly Elizabeth Brown, formerly Sarah
Brown, Joseph Brown, and John Chadwell, infant under 21 years
of age, who sue, by his next friend John Brown, Jr., of said
County, would respectfully ^{represent} that about the day of August
1869, one Michael T. Brown of said County, departed this life,
intestate, and at the time of his decease, he was the owner, and
was seised in his own right, of several tracts of land
lying adjoining and contiguous to each other, in said County on the
waters of Indian Creek, & on Rock Branch, some of which were
deeded to him, by Moses Ball Switzer, & also by Mr. Ball. Washington
Ball, & Thos Ball, & others he obtained Patents for, from the Commonwealth,
amounting in the aggregate to some 6 or 700 acres. He was also, at his
death, the owner jointly with his son John Brown, of two other
tracts in said County, and contiguous to those in his own right, one
containing 113 acres, by Patent from the Commonwealth, and the other
about 200 acres, which he in his lifetime, and one J. B. Short, purchased,
and afterwards the said Short transferred his interest, to the said
John Brown, his son, but he, & his said son, never made partition
of the lands so owned by them, jointly. Your Orators would further
state, that the said Michael T. Brown in his lifetime, and his said son
John Brown, made an exchange of lands, to the extent of 50 acres
and the said Michael T. Brown, took possession of the said 50 acres
thus obtained of his son, lying near his residence, but never received
a conveyance from John Brown for the same, but the said
Michael T. Brown, not long previous to his death, conveyed to the said
John Brown the lands he gave in exchange for said 50 acres, by
deed now of record in the Clerk's Office of said County.

Your Orators will now state that the said Michael T. Brown
was twice married, during his natural life, and that at his
death his second wife, Mary Brown, survived him, by whom
he had no issue, and to whom no claim has yet been

24 assigned in the said land, of her said husband. The said Michael J. Brown had eleven children by his first wife, six sons, and five daughters, whose names were as follows, namely John Brown, William M. Brown, Thomas S. Brown, James Brown, Andrew C. Brown, and Maser Brown; all of whom, are still living except the latter, Maser Brown, who died out of this state, leaving 6 children whose names are unknown, & who are infants, living out of this state. His daughters names were Polly, Lucy Ann, Matilda, Nancy, and Elizabeth, the three former, are still living, and the two ^{latter} are dead. Polly Brown is still unmarried. Lucy Ann Brown, intermarried with William Short, who has since died, as have all the children he had by his said wife. Matilda Brown, intermarried with Thomas Sutton, who has also died, leaving his wife surviving herein. Nancy Brown, intermarried with Jacob Brown and they have both since died, leaving four children, namely Elizabeth who intermarried with Mr. P. Newlet. Also in this suit, John, Joseph, and Henry C. Brown, who has since died leaving two children whose names are unknown, and Abby, and lastly Elizabeth Brown, who intermarried with Pleasant Chadwell, both of whom died before the said Michael J. Brown, leaving as their descendants nine children, five sons and four daughters, namely, John, Pleasant M., David, James, & Alexander Chadwell; Sigele, Lucy, Mary, & Elizabeth Chadwell. Sigmilda intermarried with Isaac Geary. Lucy intermarried with John I. Brooks, Mary, intermarried with John Chadwell, and Elizabeth, intermarried with Barton Brooks; and these are the heirs at law, and their descendants, of Michael J. Brown deceased.

The non-residents of these parties in interest, are James Brown & Andrew C. Brown, the unknown heirs of Maser Brown dead, John I. Brooks & Lucy his wife, Pleasant, John, David, James & Alexander Chadwell, John Chadwell, Mary his wife, Barton Brooks & Elizabeth his wife, John Brown, and the unknown heirs of Henry C. Brown dead, all of whom reside beyond the limits of the state of Virginia.

Among these non-resident depts, the following are infants under the age of 21 years, namely, the unknown heirs of Maser Brown dead, James, & Alexander Chadwell, and the unknown heirs of Henry C. Brown dead, and these are the only infant depts, known to your Orators.

1st. The object of this suit, is to partition the lands owned by Michael J. Brown in his lifetime, and his son John Brown, between the heirs of the said Michael J. Brown, and their descendants, and the said John Brown, according to the several interest of each.

Indy. Then to assign to Mary Brown, widow, of Michael J. Brown, her dower, in the lands owned by her husband at his death, including the moiety of the lands owned by him, & his son John Brown.

2dly. To ascertain the meter & bounds of the 50 acres or more, which John Brown, exchanged with his father Michael J. Brown, in his lifetime, and to obtain from the said John Brown, a conveyance for the said boundary, to the said John Brown, having already as before stated, recd from the said Michael J. Brown, a conveyance for the land he recd in exchange for said boundary.

3dly. To partition among the children, of Michael J. Brown, and their descendants, all the lands owned by the said Michael J. Brown at his death, and to allot, or assign to his said 11 children, and their descendants, one equal share of said lands, having regard, to quantity & quality, that is to say, to John Brown, one share, William M. Brown one, Thos. S. Brown, one, James Brown one, Andrew C. Brown one, the unknown heirs of Maser Brown, one, Polly Brown one. Lucy Ann Short, formerly Lucy Ann Brown one, Matilda Sutton, formerly Matilda Brown one, to the descendants of Nancy, & Jacob Brown, who was formerly Mary Brown, one, and to the descendants of Pleasant Chadwell, & Elizabeth his wife, who was formerly Elizabeth Brown one.

Your Orators being without an adequate remedy at law, and being entitled to full relief in equity, their prayer, therefore is, that the said John Brown, Mary Brown, widow of Michael J. Brown dead, James Brown, Andrew C. Brown, the unknown heirs of Maser Brown dead, John I. Brooks & Lucy his wife, Pleasant Chadwell, David Chadwell, John Chadwell, & Mary his wife, Barton Brooks & Elizabeth his wife, James Chadwell, Alexander Chadwell, John Brown & the unknown heirs of Henry C. Brown, be made parties depts to this Bill, and that they be required to answer, each & every allegation thereof upon oath; that an order of publication be made against the absent depts, and that a guardian ad litem, be appointed for the infant depts, and that upon a hearing of this cause, your Honors will appoint fit & suitable Commissioners, whose duty it shall be to partition the lands, according to the interest of the respective parties lawfully owned by Michael J. Brown, & his son John Brown; and also to assign dower, to Mary Brown, the widow, of the said Michael J. Brown in the lands owned by her husband at his death; and also to ascertain the meter & bounds of the 50 acres or more, that the said

4) Michael T. Brown, received in exchange? from his son John Brown for lands the said Michael T. conveyed to him; and lastly to assign, and allot to the eleven children of the said Michael T. Brown, and their descendants, one equal share, having regard to quality & quantity, of the lands owned by the said Michael T. Brown, at his death, either alone, or jointly with others, And your Orators further pray, is, that if it is necessary, in the progress of this suit, that your worship will appoint a Commissioner, or Comptroller the said John Brown, to convey to his Co-heirs & their descendants, the land aforesaid, which he exchanged with his father Michael T. Brown, now dead; and that your worship will grant to your Orators, such other & further, general, or special relief as is suited to their case, and it is competent for a Court of Equity to grant; and as in duty bound, your Orators will ever pray &c. May the Commission of Supplication directed &c.

Done for Comptroller

1870.

1869.

John Brown & Co.

Bill.

Nov. 1869 - Bill paid for

Ed. on 11th day of Nov. 1869 and

Decree paid to the said and

Ord. Pub. as to all the other

clays & parts of the same and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

the same as the said and

17th of 6.60

To the Worshipful County Court of Lee County in Chancery
sitting: - The separate answer of the unknown heirs of
Moses Brown dec'd, James and Alex^r. Chadwell (children
of Pleasant Chadwell, who intermarried with Elizabeth Brown)
and the unknown heirs of Henry N. Brown dec'd, now resi-
dents of the state of Virginia, and infants under 21 years
of age, by John B. West, their Guardian ad litem, to a Bill
in Chancery filed in this Court by Thomas J. Brown and
others against John Brown, the said infants and others,
respectfully sheweth: - That this respondent, reserving to him-
self now and at all times hereafter such proper and just
exceptions to the Complainants' Bill, as he may be advised
is material to the interests of his said wards to answer, now
says: - That he is informed that (as alleged in Complainants'
Bill) John Brown exchanged lands with his father Michael
T. Brown to the extent of 50 acres or more, in the lifetime of
his said father, and altho' the said Michael T. Brown, not
long before his death, conveyed to said John Brown the land
he gave in exchange for said 50 acres, by deed of record
in the Clerk's office of the County Court of said County, yet the
said John Brown has never made a conveyance to his
said father for said 50 acres; and your respondent sees
no reason why a commissioner should not be appointed
by your worships, or that the Court itself should not compel
said John Brown, to convey to his co. heirs and their
descendants, the 50 acres aforesaid, especially as it
is to the interest of the infants aforesaid who, as your
respondent is informed, were infants of tender years, at
the time of these transactions and had no personal knowl-
edge thereof, your worships sitting as a Court of Chancery
being as such the peculiar protectors of the interest of infants
like these, and your respondent begs that your worships
will watch with care and vigilance the same.

* And now having answered the Complainants' Bill or so

much thereof as it is deemed material he should, your
respondent, in behalf of his wards, begs leave to be heard
dismissed of costs.

John B. West,

Guardian ad litem

* Your respondent would further state that he knows of
no matter to allege himself nor has his said wards inform-
ed him of anything to plead in delay of the ^{complainant's right to have} partition of
the lands in the Bill mentioned in the manner set forth in
Complainant's Bill.

Sworn to & subscribed before me this 9th day of Nov: 1869.

Henry J. Morgan W. Clerk

Circuit Court Lee Co.

Thos. J. Brown et al

vs { answer of Guardian
ad litem.

John Brown et al

This answer filed at

Nov. Rules 1869.

John B. West, D.C.

Thomas E. Brown & others } In Chancery
John ^M Brown & others }

This cause came on again to be heard, on the 19th day of October 1870, upon the papers formerly read in the cause, and the report of Commissioners, Eli Davis, R. M. Bales, and William Ball, and was argued by Counsel; and it appearing to the Court that the report of the partition and allotment of the land, in the Bill mentioned, has been filed, more than 30 days, and no exceptions being filed to said report; it is therefore adjudged, ordered, and decreed, that the said report be confirmed; and that all the parties in interest, take & hold, in severally, the several lot, or lots, respectively assigned to each in said report, and diagram accompanying the same, including the claim assigned the widow of Michael T. Brown decd; - and the said suit of partition, being considered by the Court, for the mutual benefit, of all the heirs of the said Michael T. Brown decd, it is further, ordered, adjudged, and decreed, that each one of said heirs, pay an equal portion of the costs of this suit, and that the administrator of said estate pay the same out ~~of the fund~~ in his hands liable to be distributed among the said heirs, free from the debts of said estate; - and that the said Report & diagram, be recorded by the Clerk of Lee County, in the proper books of his Office; and nothing further remaining to be done, in this suit, the same is

Thomas L. Brown & others
vs $\frac{3}{4}$ Decree

John Brown & others

October 1870.

Entered C. B. page 94-
- 95.

Enter this Decree

Henry J. Morgan

Oct 19 - 1870

chd 67

ordered to be stricken from the docket, without prejudice
to any one interested, to enforce this decree.

| | | |
|--------------------------------|--------|---------------|
| Thomas J. Brown & others | Plffs | } In Chancery |
| against John Brown & others | Defets | |

This cause came on to be heard on this, 21st. day of February 1870 upon the bill of the plaintiffs, the answer of John B. West, Guardian ad litem for the unknown heirs of Moses Brown dec'd, James Chadwell and Alexander Chadwell, and the unknown heirs of Henry W. Brown dec'd - Minors under the age of 21 years, and was argued by Counsel. And it appearing to the Court that a summons to answer the plaintiffs' Bill has been regularly served upon Mary Brown and John Brown more than two months before the present term of the Court, and that an Order of Publication has been regularly posted, published, and completed, in the manner directed by law, against all the non-resident defendants and it further appearing that this cause has been regularly matured at Rules by Decree nisi and Judgment pro Confesso, and has been set for hearing as to all the defendants in the Bill mentioned. On consideration of all which the Court is now pleased to order, adjudge, and Decree that partition and allotment of the lands in the Bill mentioned be made among the plaintiffs and defendants according to their respective rights and to attain this object, it is further adjudged, ordered, and Decreed that Eli Davis, Robert M. Bales, and Wm. Bull be and they are hereby appointed Commissioners to make the partition as herein before decreed to be made, and in order to aid said Commissioners to discharge the duty hereby imposed, the Court directs them 1st., to partition the tract of land owned jointly by Michael T. Brown in his lifetime and his son John Brown between the lineal and collateral heirs of the said Michael and the said John according to the rightful interest of each; 2ndly, they will assign to Mary Brown - widow of Michael T. Brown dec'd - her dower interest in the lands owned by him at his death, including

the moiety of the aforesaid tract, owned by him and his son John jointly; 3rdly, they will ascertain the metes and bounds of the fifty acres or more which John Brown exchanged with his father Michael T. Brown in his lifetime, and to secure from the said John a proper conveyance of said boundary to the heirs of the said Michael T., he the said John, having already received from his said father a conveyance ^{for the land said to be exchanged} for said boundary; 4thly the said Commissioners having thus ascertained with certainty the lands which should be partitioned among the heirs of the said Michael T. Brown, they will proceed to assign to his eleven children or their descendants an equal share of said lands, having regard to quantity and quality i.e. to John Brown one share, to William M. Brown one share, to Thomas J. Brown one share, to James Brown one share, to Andrew C. Brown one share, the unknown heirs of Moses Brown one share, to Polly Brown one share, to Lucy Ann Short one share, to Matilda Sutton one share, to the heirs of Jacob & Nancy Brown one share, and to the descendants of Pleasant and Elizabeth Chadwell one share.

And the said Commissioners will make a report to the Court of their actions had under this order, accompanied by a plat of all the lands of the said Michael T. and of the assignment of the widow's dower, and of the lots or parcels assigned by them to each of said heirs, and the cause is continued

Thomas J. Brown et al

vs. { Decree

John Brown et al.

Virginia

At a County Court begun & held for Lee County, at the Court-House
thereof, on Monday, the 21st day of February 1870.

Thomas J. Brown and others

Plaintiffs

against

John Brown and others

Defendants

In Chancery.

xxxxxx On consideration of all which, the Court is now pleased
to order, adjudge, and decree that Partition and allotment of all the
lands in the Bill mentioned be made among the Plaintiffs and
defendants according to their respective rights, and to attain this ob-
ject, it is further adjudged, ordered, and decreed that Eli Davis,
Robert M. Bales, and William Ball be and they are hereby
appointed Commissioners to make the Partition as hereinbefore decreed
to be made, and in order to aid the said Commissioners to discharge
the duty hereby imposed, the Court directs them 1st, to Partition
the tract of land owned jointly by Michael T. Brown in his
lifetime, and his son John; between the lineal ~~and~~ Collateral
heirs of the said Michael and the said John, according to the
rightful interest of each; 2ndly, they will assign to Mary Brown -
widow of Michael T. Brown dec'd - her Dower interest in the lands
owned by him at his death, including the moiety of the aforesaid tract
owned by him and his son jointly; 3rdly, they will ascertain the
metes and bounds of the fifty acres or more, which John Brown ex-
changed with his father Michael T. Brown in his lifetime, and to
secure from the said John a proper conveyance of said boundary
to the heirs of the said Michael T. he, the said John, having
already received from his said father a conveyance of the land
received by him in exchange for said boundary; 4thly, the Com-
missioners having thus ascertained with certainty the land which
should be partitioned among the heirs of the said Michael T.
Brown, they will proceed to assign to his eleven children or their
descendants an equal share of said land, having regard to quantity
and quality i.e. to John Brown, one share; to William M. Brown, one
share; to Thomas J. Brown, one share; to James Brown, one share;

to Andrew C. Brown, one share; the unknown heirs of Moses Brown, one share; to Polly Brown share; to Lucy Ann Short, one share; to Matilda Sutton, one share; to the heirs of Jacob and Nancy Brown, one share; and to the descendants of Pleasant & Elizabeth Chadwell, one share. And the said Commissioners will make a report to the Court of their actions had under l^d order, accompanied by a plat of all the lands of the said Michael T. and of the assignment of the widow's Dower, and of the lots or parcels assigned by them to each of said heirs, and the cause is continued.

1 & copy-

Lease. John B. West, D. Clerk.

Eli Davis.

fu B. W.

1st Lee County Court

I do solemnly swear that James Brown, husband, & because
the unknown heirs of Moses Brown, John T. Brooks & Lucy his wife
Plaintiffs vs. Mr. Chadwell, David Chadwell, John Chadwell and Mary his
wife, & Bartin Brooks and Elizabeth his wife, James Chadwell
Alexander Chadwell, John Brown and the unknown heirs of Henry
A. Brown deceased defendants at the Suit of Sheriff Brown
& others are now residents of the State of Virginia So help
me God.

Jas J. Brown

Sworn to before me, The 29th Oct 1869

John B. West D.C.



Pursuant to an order of the County Court of Lee county dated on the 21st. day of February 1870, for the partition and assignment of the lands of which Michael J. Brown died seized and possessed, we, whose names are herewith subscribed having been appointed commissioners for the purpose proceeded on the 14th. day of March 1870 and following days to partition, allot and assign to the legal owners the lands of the said Michael J. Brown deceased, in the following manner according to the said Order of Court.

1st. We assigned to John Brown the land embraced in the lines, 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. j. i. h. g. f. e. d. 1. It being one half of a 323 acre tract owned jointly by the said M. J. Brown ^{in his lifetime,} and his son John Brown, Estimated to contain 186 acres and bounded as follows (viz) Beginning at a stake in a line of a 400 acre Survey and running thence South to a white Oak; the beginning corner of the Survey, thence with a line thereof S. 7 N. 13 poles to a stake in John Brown's line and with his lines S. 65 E. 82 poles to a stake; thence S. 31 N. 36 poles to a stake on top of a ridge in a line of the said 323 acre Survey, and with lines thereof N. 70 E. 48 poles to a chestnut stump; thence N. 60 E. 57 poles to three chestnut Oaks on top of a ridge; thence S. 77 E. 40 poles to a chestnut Oak and dead black Oak on top of a ridge; thence S. 63 E. 50 poles to a double chestnut; thence East 67 poles

To a large poplar; Thence S. 6 N. 74 poles to two fallen chestnuts; Thence N. 83 E. 13 poles to a black oak; Thence N. 41 E. 74 poles to a large white oak; Thence N. 22 W. 108 poles to a white oak and chestnut oak on the north side of the chimney Bluff; Thence N. 53 E. 20 poles to a stake Thence leaving said lines N. 59 W. 88 poles to a stake in a line of the 400 acre tract and with its lines S. 45 $\frac{1}{2}$ W. 70 poles to a white oak stump Thence S. 89 $\frac{1}{2}$ W. 210 poles passing five marked corners to the beginning.

2nd. We have assigned to Mary Brown the widow of the said Michael J. Brown her dower interest in the lands owned by him at his death, which is represented on the plot by the Figure A.B.C.D.A. and bounded as follows, viz. Beginning at a stake in a field and running thence S. 45 E. 159 poles to a chestnut; Thence S. 45 W. 176 poles to a thorn bush; Thence N. 40 W. 104 poles to a black oak; Thence N. 28 E. 174 poles to the beginning. Estimated to contain 137 acres. This lot includes the Mansion house garden &c. and perhaps the best cleared land with timber and water convenient.

3rd. we surveyed the 50 acre tract which John Brown exchanged with his father Michael J. Brown in his lifetime for a like quantity where the said John's house stands and secured from him a proper conveyance of the said 50 acre tract to the heirs to whom we have assigned it.

4th. We have assigned to ~~William to Brown~~ James Brown a Tract in Tennessee estimated to contain 140 acres. This Tract will be seen plotted to itself and marked No. 1 on the Diagram and represented by the Figure 55. 56. 57. 58. 59. 60. 61. 55. and bounded as follows (viz.) Beginning at a white oak (now down) corner to Estep's land and running thence with his line N. 11 W. 64 poles to two post oaks on the Virginia line and with it west 200 poles to two white oaks; Thence S. 3 W. 124 poles to a chestnut oak and sourwood; Thence N. 77 E. 91 poles to two small black oaks; Thence S. 45 E. 56 poles to a pine stump on a spur; Thence N. 18 poles to a black oak; Thence N. E. with Estep's line 110 poles to the beginning.

5th. We have assigned to Thomas J. Brown two lots each marked no. 2 on the plot. The first is represented on the plot by the Figure 15. 16. 17. 18. 19. 20. L. R. N. T. S. K. J. 15. and bounded as follows. viz. Beginning at a stake in a line of a 323 acre tract and running thence with line thereof N. 53 E. 60 poles to a water oak and dogwood; Thence N. 19 E. 15 poles to 3 white oaks; Thence N. 66 W. 29 poles to a stake in Chance's line and with his lines S. 25 W. 8 poles to 3 white oaks; Thence N. 41 W. 137 poles to a stake; Thence leaving Chance's line S. 64 W. 18 poles to a hickory; Thence same course S. 64 W. 50 poles with line of the lot marked no. 3 to a stake; Thence S. 47 E. 15 poles to the middle of a spring near John Brown's

Thence $N. 40^{\circ} E.$ 15 poles to a Spotted Oak; Thence $S. 33^{\frac{1}{2}}^{\circ} E.$ 35 poles to a Stake in a line of the 400 acre tract and with lines thereof $S. 62^{\frac{7}{8}}^{\circ} E.$ To a black walnut Thence $S. 45^{\frac{1}{2}}^{\circ} N.$ 43 poles to a Stake; Thence leaving the lines of the 400 acre tract $S. 59^{\circ} E.$ 88 poles to the beginning.

Estimated to contain ~~48 acres~~ 63 acres.

The other lot which we have assigned to the said Thomas J. Brown is plotted to itself and represented by the Figure 62. 63. 64. 65. 66. 62, and bounded as follows (viz.) Beginning at a beech corner to J. Brim's land and running thence $S. 73^{\circ} N.$ 136 poles to a Stake; thence South 58 poles to Chance's line; thence $S. 31^{\circ} E.$ 62 poles to a Stake in Brown's line; thence $S. 87^{\circ} E.$ 80 poles to a Stake in the old line; thence northwardly To the beginning.

Supposed to contain 80 acres more or less. This lot we did not survey, its courses therefore may not all be correct; but we have assigned the whole tract.

6th. We have assigned to Matilda Sutton the lot represented by the Figure g. h. n. m. u. v. l. 20. 21. 22. 23. 24. g. and marked No. 3 and bounded as follows, viz:

Beginning at 2 white Oaks and 2 dogwoods on a line of the 400 acre survey, and running thence with a line thereof $N. 89^{\frac{1}{2}}^{\circ} E.$ 53 poles to a white Oak; thence $N. 25^{\circ} E.$ 139 poles to a Stake in another line of the 400 acre

Survey and with it $N. 62^{\frac{3}{4}}^{\circ} N.$ 8 poles to a Thorn bush and dogwood; Thence $S. 71^{\circ} E.$ 20 poles to the middle of a Spring near John Brown's; thence $N. 47^{\circ} N.$ 15 poles to a Stake; Thence $N. 64^{\circ} E.$ 50 poles to a hickory; thence continuing the same course $N. 64^{\circ} E.$ 18 poles to a Stake in Chance's line and with his lines $N. 41^{\circ} N.$ 70 poles to a Stake at his corner; thence $S. 28^{\circ} N.$ 14 poles to a poplar, small hickory and dogwood corner to Ball's land and with lines thereof $N. 75^{\circ} N.$ 31 poles to a black Oak; thence $N. 44^{\circ} N.$ 33 poles to three small Spanish Oaks; Thence leaving Ball's lines $S. 15^{\circ} N.$ 252 poles to the beginning.

Estimated to contain 100 acres.

7th. We have assigned to the heirs of Pleasant M. Chadwell and Elizabeth his wife the lot represented by the Figure f. g. 24. 25. 26. f. and marked No. 4 on the plat estimated to contain 95 acres and bounded as follows viz:

Beginning at a white Oak and small gum on a line of the 400 acre tract and running thence with the same $N. 89^{\frac{1}{2}}^{\circ} E.$ 40 poles to two white Oaks & two dogwoods corner to the 3rd lot and with a line thereof $N. 15^{\circ} E.$ 252 poles to three small Spanish Oaks on Ball's line and with his lines $N. 44^{\circ} N.$ 49 poles to a bunch of small chestnuts, thence $N. 61^{\circ} N.$ 42 poles to two sourwoods and

and a white-oak; Thence leaving Ball's lines S. 7 m. 303 poles to the beginning.

8th. we have assigned to Andrew C. Brown.

The lot represented by the Figure e. f. 26. 27. 28. o. e and marked No. 5 on the plat, estimated to contain 95 acres and bounded as follows, (viz:) Beginning at a white Oak cucumber & small ash on the south line of the 400 acre tract and running thence with the same N. 89½ E. 12 poles to a white Oak and small gum; thence leaving said line and with a line of the 4th lot N. 7 E. 303 poles to two sour-woods and a white Oak on Ball's line and with it N. 61 m. 79 poles to a chestnut Oak on a ridge; thence S. 5 m. 110 poles to a stake corner to the 6th lot and with a line thereof S. 8 E. 232 poles passing a corner of the 7th lot and with a line of it to the beginning.

9th. We have assigned to William^m Brown

The lot represented by the Figure 29. 30. 31. o. 28. 29. and marked No. 6 on the plat and bounded as follows. Beginning at a white Oak corner to the 400 acre tract and running thence N. 49 m. ~~27~~ 27 poles to an Elm, 2 white Oaks, and an ash stump, on the bank of a branch; thence S. 78 m. 84 poles to a

poplar and dogwood corner to the 7th lot and with a line thereof S. 50½ E. 304 poles to a small white Oak and small Sassafras among rocks corner to the 7th lot and on a line of the 5th lot and with the same N. 8 m. 134 poles to a stake on a line of the 400 acre tract and with it N. 62¾ m. 124 poles to the beginning. Estimated to contain 100 acres.

10th. We have assigned to Lucy Ann Estep^W Short, the lot represented by the Figure d. e. o. 31. 32. d. and marked No. 7 on the plat. Containing by estimation 150 acres & bounded as follows, viz: Beginning at two white Oaks on a line of the 400 acre tract and running thence with it N. 89½ E. 12 poles to a cucumber small white Oak and small ash corner to the 5th lot and with a line thereof N. 8 m. 98 poles to a small white Oak and small Sassafras among rocks; thence N. 50½ m. 304 poles with a line of the 6th lot to a poplar and dogwood; thence S. 2 m. 112 poles to a large black Oak and hickory; corner to the 8th lot and with a line thereof S. 53 E. 302 poles to the beginning. This lot includes the Saltpeter Cave with 25 acres around it which is excepted.

11th. We have assigned to the heirs of Moses Brown the lot represented by the Figure 54. 1. d. 32. 33. 34. 54 and marked No. 8 on the plat and estimated to contain 125 acres and bounded as follows (viz.) Beginning at a stake corner to the 400 acre tract and running thence with a line thereof N. 89½ E. To two white oaks corner to the 7th. lot and with a line thereof N. 53 W. 302 poles to a ~~water oak hickory and red oak~~; large black oak and hickory near the top of a ridge; Thence N. 57 W. 30 poles to a water oak hickory and red oak (not found) Thence S. 33 W. to a stake corner to the 9th. lot and with a line thereof S. 48 E. 200 poles to the beginning.

12th. We have assigned to Polly Brown the lot represented by the Figure 54. 34. 35. 36. 2. g. p. 49. 50. 51. 52. 53. 54 and marked No. 9 on the plat and bounded as follows (viz.) Beginning at a stake corner to the 400 acre Survey and the 8th. lot and running thence with a line of the latter N. 48 W. 200 poles to a stake; Thence S. 33 W. 70 poles to a double chestnut corner to Ball's land; Thence N. 79 W. 20 poles to a stake corner to the 10th. lot and with lines of the same S. 48 E. 100 poles to a stake; Thence S. 33 W. 8½ poles to the

the middle of a spring; Thence N. 65 E. 9 poles to two small persimmons; Thence S. 48 E. 68 poles to a white oak and gum; Thence N. 18 E. 19½ poles to a white oak at a fence; Thence N. 50 E. 48 poles to a white oak; Thence with lines of the 400 acre tract to the beginning. Estimated to contain 85 acres.

13th. We have assigned to John Brown the lot represented by the Figure 47. 48. 49. p. g. 2. 36. 37. 38. 39. 147 and marked No. 10 on the plat and bounded as follows. viz. Beginning at a small hickory and 2 dogwoods and running thence N. 47 E. 6 poles to a white oak in a hollow; Thence N. 18 E. 39 poles to a white oak and gum corner to the 9th. lot and with lines of it N. 48 W. 68 poles to 2 persimmons; Thence S. 65 W. 9 poles to the middle of a spring; Thence N. 33 E. 8½ poles to a stake; Thence N. 48 W. 100 poles to a stake on a ridge; Thence leaving the lines of the 9th. lot N. 79 W. 50 poles to a white oak on top of a ridge; Thence S. 20 W. 53 poles to a gum; Thence N. 88 W. 16 poles to a stake corner to the 11th. lot and with a line thereof S. 58 E. 232 poles to the beginning. Estimated to contain 85 acres.

14th. We have assigned To John Brown.

The lot represented by the Figure 47. 39. 40. 41. 42. 43. 44. 45. 46. 47. and marked 11 on the plat and estimated to contain 127 acres and bounded as follows (viz:)

Beginning at a ^{small} hickory and two dogwoods corner to the 10th. lot and running thence with a line thereof N. 58 W. 232 poles to a stake; thence N. 88 W. 4 poles to 3 chestnuts from one root; thence S. 45 W. 27 poles to a chestnut oak on top of a ridge; thence S. 20 1/2 E. 86 poles to a chestnut and white Oak on top of a ridge; thence S. 38 W. 46 1/2 poles to a white Oak on top of a ridge; thence S. 16 E. 31 poles to two hickories in a hollow thence N. 58 E. 53 poles to a stake in a line of a 100 acre survey; thence S. 60 E. 112 poles to two chestnut oaks on the side of a hill; thence N. 47 E. 98 poles to the beginning.

We have also assigned to John Brown a small tract adjoining his 50 acre tract for the benefit of the water.

This tract is represented by the Figure u. t. s. n. m. n. and bounded as follows (viz:) Beginning at the middle of the spring near John Brown's and running thence N. 40 E. 15 poles to a spotted oak; corner to J. J. Brown's land and with his line S. 33 1/2 E. 35 poles to a stake in a line of said

50 acre tract and with it N. 62 1/4 W. 43 poles to the corner; thence leaving said tract and with a line of Matilda Sutton's land 8 poles to a thorn bush and dogwood her corner, and with her line S. 71 E. 20 poles to the beginning. Estimated to contain 2 acres.

Figure h. i. j. k. s. n. h. represents John Brown's 50 acre tract upon which his house stands. For its courses see the deed made by M. J. Brown in his lifetime to the said John Brown.

Thus we have assigned to the Heirs of M. J. Brown deceased all the lands belonging to him at his decease, and made a fair plat of the same which is herewith annexed.

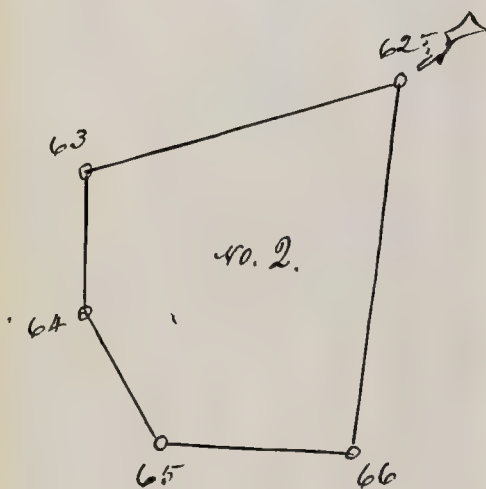
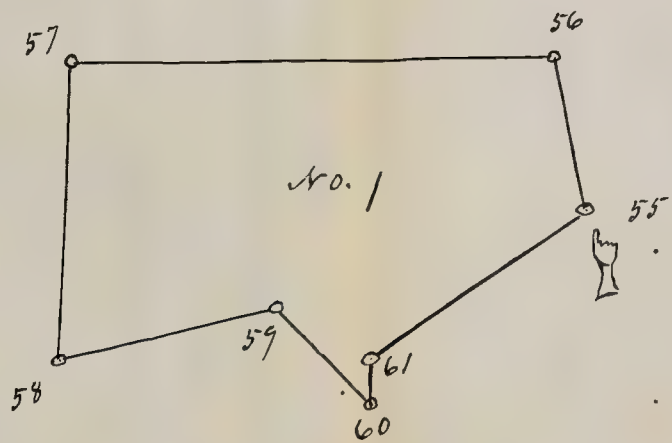
All of which is respectfully Submitted.

Eli Davis,
R. M. Bales, &
William Ball.
Commissioners. —

Bill of Charges.

William Brown and Joseph Brown each
 10 days carrying chain at 50 cts. per day \$ 10.00
 John Brown showing corners marking lines
 &c. 10 days at \$ 1.00 per day \$ 10.00
 John Brown for feeding Surveyor, his
 horse and chain carriers 10 days \$ 10.00
 Commissioners' Charges.
 Eli Davis 15 days \$ 30.00
 R. M. Balis days
 William Ball do.

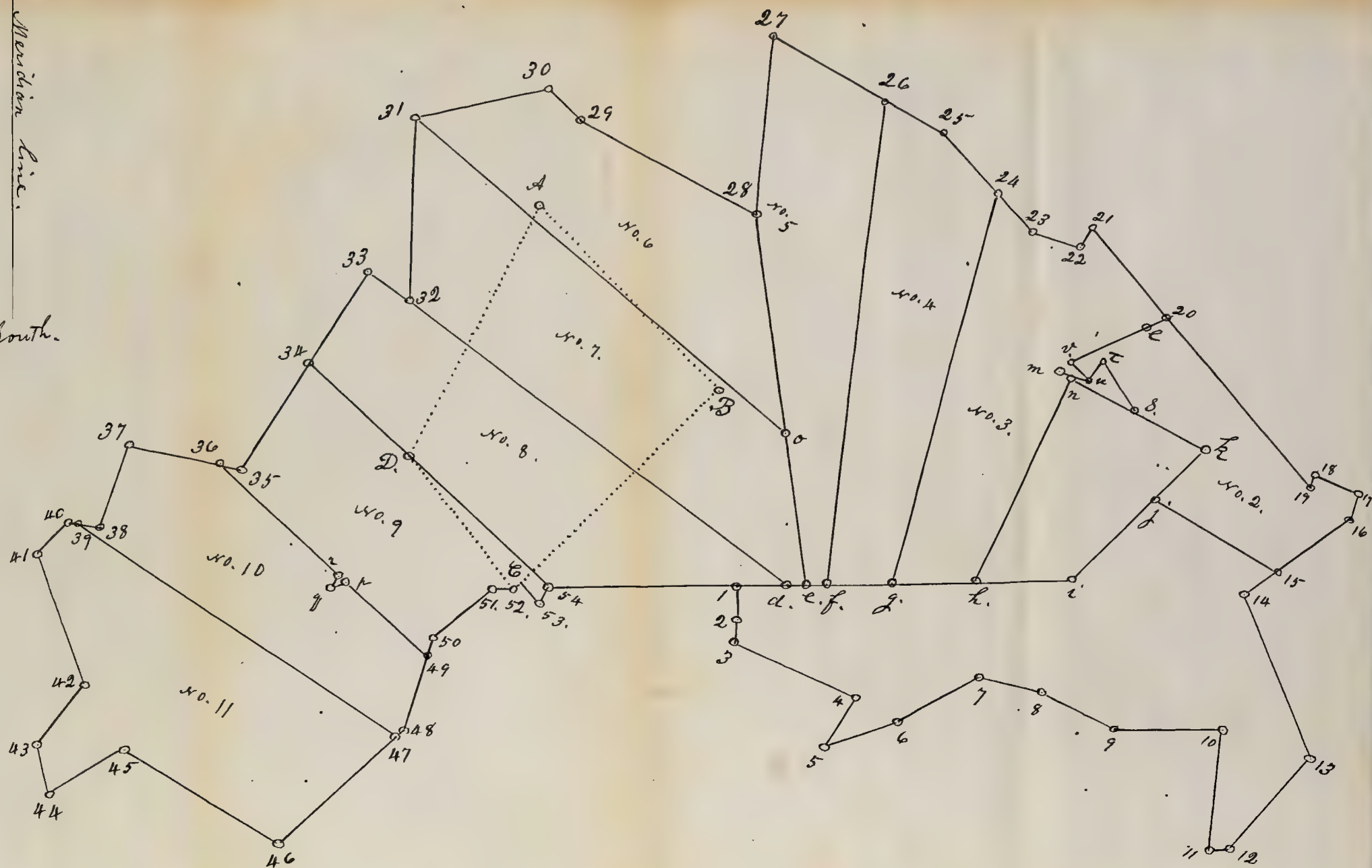
Balis & Ball's charges and not Total \$
 here reported.



North

Midian line.

South.



Thos. J. Brown et al.

vs. } Report & Petition of
Course Eli Dunset
al.

John Brown et al.

Filed July 19-1870

J. B. West. clk.

Recorded in Lead Book
No 16. page 141, 142, 143 & 144.

James W. Cora. D.C.

Capt. West.

Dear Sir:

Please examine the report of the division of the lands of M. J. Brown as I have made it and you will see that the lot marked No. 7 was assigned to Granville Estep. You will please change that name for Lucy Ann Short. She has sold it to Granville Estep but it will be better to let the name of Lucy & Ann Short appear on the report as she is the legal heir of the said M. J. Brown, and did own it when it was first divided.

Aug. 4th, 1870 Yours. Truly,

Eli Davis.

Attest,
Granville Estep
John Brown.

Virginia,

At Rules held in the Clerk's Office of the County Court
of Lee County, on Monday, the first day of November 1869.

Thomas J. Brown, William M. Brown, Polly Brown,
Matilda Sutton, formerly Matilda Brown, Lucy Ann Short, formerly
Lucy Ann Brown, Jacob Yeary & Serilda, his wife, John Chadwell, who sues
by his next friends John Brown, William T. Rowlett & Elizabeth, his
wife, and Joseph Brown - - - - - Complainants
against

John Brown, Mary Brown, widow of Michael T. Brown dec'd,
James Brown, Andrew C. Brown, the unknown heirs of Moses
Brown, John S. Brooks and Lucy, his wife, Pleasant Chadwell, In Chancery
David Chadwell, John Chadwell, and Mary, his wife, Barton
Brooks and Elizabeth, his wife, James Chadwell, Alexander
Chadwell, John Brown, and the unknown heirs of Henry N.
Brown dec'd - - - - - Defendants

The object of this suit is to obtain a division of the
lands in the bill mentioned, according to the rights of the
parties respectively; and it appearing from an affidavit
filed in this office that James Brown, Andrew C. Brown, the
unknown heirs of Moses Brown dec'd, John S. Brooks and Lucy,
his wife, Pleasant M. Chadwell, David Chadwell, John Chadwell
and Mary, his wife, Barton Brooks and Elizabeth, his wife, James
Chadwell, Alexander Chadwell, John Brown, and the unknown
heirs of Henry N. Brown dec'd are non-residents of this com-
monwealth, they are, therefore, ordered to appear here within
one month after due publication of this order, and do what is
necessary to protect their interest in this suit. And on the
motion of the Plaintiff, John B. West is appointed
Guardian ad litem for the infant defendants in this
cause.

John B. West, D. Clerk
A copy -
John B. West, D. Clerk

(L)

Thomas J. Brown & others

vs. { Order of Publication

John Brown & others.

Filed

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY.—GREETING:

WE COMMAND YOU TO SUMMON *Charles Peyton & Mrs. Mary A. Peyton* and *Adah Peyton* to appear before the Judge of our County Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *February* next, to answer a bill in Chancery, exhibited in our said Court against *them* by *Mrs. Mary A. Peyton*.

To appear before the Judge of our County Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *February* next, to answer a bill in Chancery, exhibited in our said Court against *them* by *Mrs. Mary A. Peyton*.

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court House, this *15* day of *Jan* 1878 in the *11* year of the Commonwealth.

J. W. Orr Clerk.

50
 25
 18
 15
 18
 10
 25
 36
 60
 1.00
 36
 40
 1.00

5.33

(1)

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

1801 + 8

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON John Brown, Mary Brown widow of Michael T. Brown deceased, James Brown, Andrew C. Brown, the unknown heirs of Moses & Brown, John I. Brooks and Lucy, his wife Pleasant M. Chadwell, David Chadwell, John Chadwell and Mary his wife, Barton Brooks and Elizabeth his wife, James Chadwell, Alexander Chadwell, John Brown, & the unknown heirs of Henry M. Brown dead,

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the first Monday in November

next, to answer a bill in chancery, exhibited in our said court, against them by Thomas J. Brown
vs. M. Brown, Polly Brown, Matilda Sutton, formerly Matilda Brown-Lucy Ann Short, formerly Lucy Ann ~~Brown~~ Jacob Casey & Serrilda his wife John Chadwell who are
by his next friend John Brown, William T. Hoult and Elizabeth his wife, and Joseph Brown

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this 29th day of October 1869, in the 94 year of the Commonwealth.

John B. West Clerk.

(2)

Thomas J. Brown & others

vs. } Sp. in Chy

John Brown & others

November Rules 1869

He a. upst Legal Service of the
within Sp. in Chy

^{high}
Margt Brown

marks

John Brown

VIRGINIA :

WASHINGTON COUNTY, TO WIT :

I do hereby certify that the annexed Notice has been published
four weeks successively, ending November 26 1869
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *30th*
day of *March*, 1870

Geo. R. Barr,
Jr. Ed. "Virginian"

VIRGINIA :—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the first day of November, 1869:

Thomas J. Brown, William M. Brown, Polly Brown, Matilda Sutton, formerly, Matilda Brown, Lucy Ann Short, formerly Lucy Ann Brown, Jacob Yeary and Serrilia, his wife, John Chadwell, who sues by his next friend John Brown, William T. Rowlett and Elizabeth T. his wife, and Joseph Brown, Compts.

AGAINST

John Brown, Mary Brown, widow of Michael T. Brown, dec'd, James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, Defts.

IN CHANCERY.

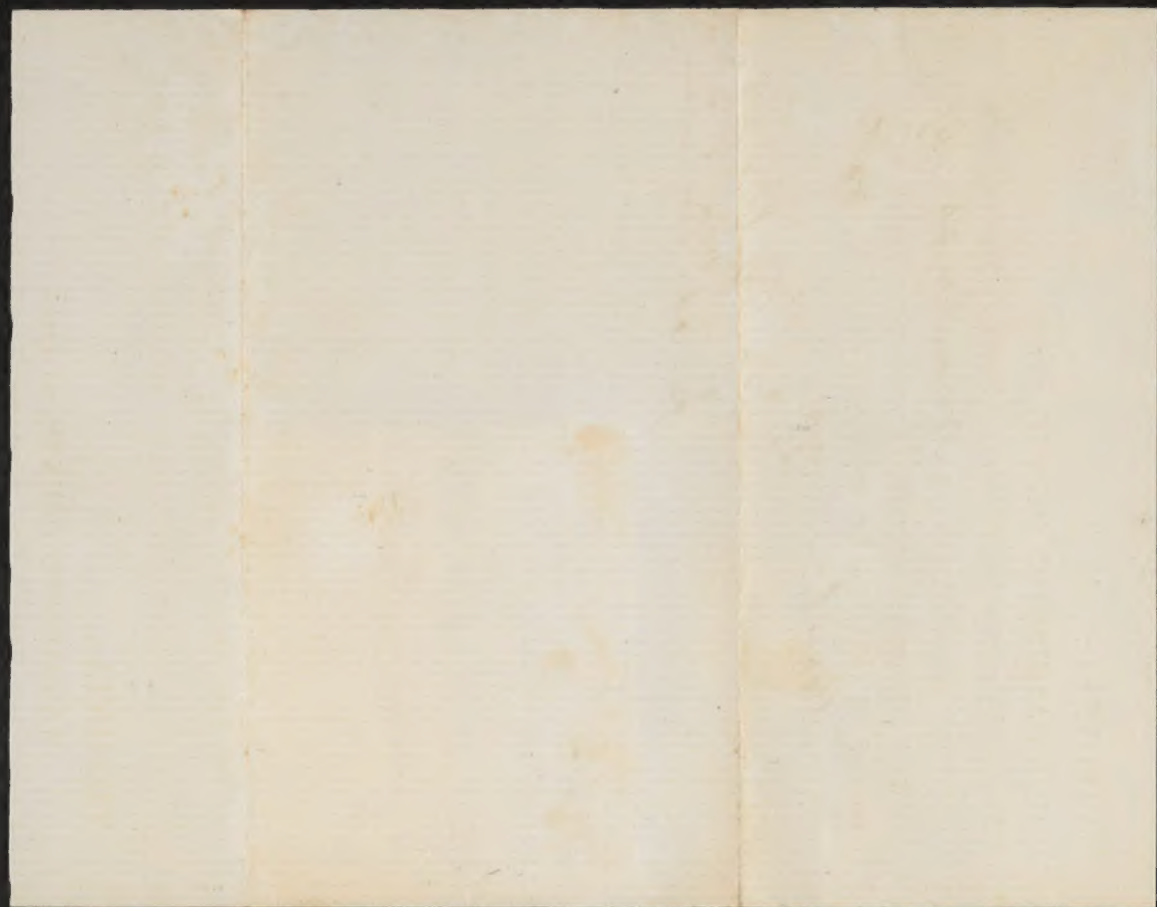
The object of this suit is to obtain a division of the lands in the bill mentioned according to the rights of the parties respectively; and it appearing from an affidavit filed in this office, that James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant M. Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, are non-residents of this Commonwealth, they are, therefore, ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

JOHN B. WEST, p. c.

A Copy.—Teste,

JOHN B. WEST, p. c.

Nov. 5, 1869.—4w.



VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the first day of November, 1869:

Thomas J. Brown, William M. Brown, Polly Brown, Matilda Sutton, formerly Matilda Brown, Lucy Ann Short, formerly Lucy Ann Brown, Jacob Yeary and Serrill in his wife, John Chadwell, who sues by his next friend John Brown, William T. Rowlett and Elizabeth T. his wife, and Joseph Brown, Compts.

AGAINST

John Brown, Mary Brown, widow of Michael T. Brown, dec'd, James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, Defts.

IN CHANCERY.

The object of this suit is to obtain a division of the lands in the bill mentioned according to the rights of the parties respectively; and it appearing from an affidavit filed in this office, that James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant M. Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, are non-residents of this Commonwealth, they are, therefore, ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

JOHN B. WEST, D. C.

A Copy.—Teste,

JOHN B. WEST, D. C.

Nov. 5, 1869.—4w.

Virginia Lee County to wit:

This day M. B. D. Lane, personally appeared before me, the undersigned deputy clerk of said County, and made oath, that he saw the Chancery order of publication, herewith attached, made in the suit of Thomas J. Brown & others, vs John Brown & others, inserted in the "Abingdon Virginian", a news paper published in the Town of Abingdon Virginia, in ~~the~~ numbers thereof issued on the 5th & 26th of November 1869 respectively, and that he has good reason to believe, that the said order was inserted, in the two intervening numbers of said Paper, dated on the 12th and 19th of November 1869 & given under my hand, this the 19th day of February 1870.

H. J. Morgan D. C.
Circuit Court Lee Co

Thomas J. Brown & others
vs. Proof of order of
publication
John Brown & others

for chd